## REMARKS/ARGUMENTS

It is requested that the foregoing amendment be entered pursuant to the provisions of 37 C.F.R. §1.116.

Claims 1, 6, 7, 14-18, 20, 21, 26-44, 49, 50, 57-61, 63, 64, and 69-86 are pending in the application, of which claims 26-43 and 69-86 are withdrawn from consideration. Claims 1, 6, 7, 14-18, 20, 21, 44, 49, 50, 57-61, 63, and 64 are rejected under 35 U.S.C. 112, second paragraph and 35U.S.C. 101.

### *Claim Amendments*

The foregoing amendment of independent claim 1 on which claims 6, 7, 14-18, 20, and 21 depend and independent claim 44 on which claims 49, 50, 57-61, 63, and 64 depend merely deletes the phrase "consisting at least in part of self-service financial transaction terminals and home banking servers" from the preamble of each of claims 1 and 44.

### *Claim Rejections – 35 U.S.C. 112, Second Paragraph and 35 U.S.C. 101*

Claims 1, 6, 7, 14-18, 20, 21, 44, 49, 50, 57-61, 63, and 64 are rejected under 35 U.S.C. 112, second paragraph, because, according to the Examiner:

".... Claim 1 is directed to a method. The applicant has introduced the transitional phrase 'consisting essentially of'. That which follows a transitional phrase defines the scope of the claim. Here, what follows is a terminal and a plurality of servers. Thus, the statutory class of the invention is unclear.

In addition, ... the applicant has amended a computer system for managing components to with the transitional phrase "consisting essentially of'. Again that which follow is a plurality of terminals and a servers comprising a plurality of management protocol agent versions. First it is not

clear which system component comprises this protocol. Moreover, as this is a system claim (a collection of components) the applicant should claim a component of the terminal of server that is programmed with said protocol agents. For example, the applicant can claim a server comprising a processor programmed with a plurality of management protocol agent versions, each for translating...."

Claims 1, 6, 7, 14-18, 20, 21, 44, 49, 50, 57-61, 63, and 64 are likewise rejected under 35 U.S.C. 101 because, according to the Examiner:

".... The claims include transitional phrase 'consisting essentially of'. That which follows a transitional phrase defines the scope of the claim. Here, what follows is a terminal and a plurality of servers. The claims however are directed to a method. Since all claims must fall into a single statutory class, the claims are rejected."

First, the words "consisting essentially of" are not found anywhere in any of the claims pending in this application, and the transitional word in claims 1 and 44 is simply "comprising". Second, the words "consisting at least in part of" that appear in the preamble of claim 1, i.e., "A computer-implemented method for managing a components of financial services delivery system devices consisting at least in part of self-service financial transaction terminals and home banking servers, comprising:" and in the preamble of claim 44, i.e., "A computer system for managing components of financial services delivery system devices consisting at least in part of self-service financial transaction terminals and home banking servers, comprising:" were substituted for the words "such as" in response to the previous Office Action, and it is abundantly clear that the words in the preamble immediately following "consisting at least in part of" simply define a context in which the invention operates.
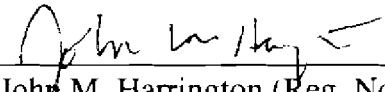
It is suggested that the Examiner may want to reconsider the foregoing, withdraw the finality of the rejection, and examine the application on its merits.

## Conclusion

For the foregoing reasons, it is submitted that the proposed amendments comply with 37 C.F.R. 1.116 and should therefore be entered, and that with entry of the amendments and in view of these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the Examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The Examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

Date: _5 / 2 4 / 0 7_

John M. Harrington (Reg. No. 25,592)
for George T. Marcou (Reg. No. 33,014)

Kilpatrick Stockton LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
(202) 508-5800